

02-12-01

02/09/01
31000 U.S. PTO

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Docket No. 4403-9 DI2

Anticipated Classification of this application:

Class _____ Subclass _____

Prior application:

Examiner: Helen Pratt

Art Unit: 1761

PAE-And A
09-18-02
DW
#2
JC961 U.S. PTO
09/781586
02/09/01

Box Patent Application
Director of the U.S. Patent
and Trademark Office
Washington, D.C. 20231

CONTINUING APPLICATION TRANSMITTAL UNDER 37 CFR 1.53(b)

This is a request for filing under the continuing application procedure, 37 CFR 1.53(b), for a

[X] Divisional application.

NOTE: Each paper or fee filed by "Express Mail" must have the number of the "Express Mail" mailing label placed thereon prior to mailing (37 CFR 1.10(b))

Particulars of Prior Application

A. Application Serial No. 09/080,968, filed May 19, 1998

B. Title Process for Preparing Hypoallergenic and Reduced Fat Foods

CERTIFICATE OF MAILING
UNDER 37 C.F.R. 1.10

EXPRESS MAIL Mailing Label Number: EL 782/81306 VS
Date of Deposit: 2/9/01

I hereby certify that this correspondence, along with any paper referred to as being attached or enclosed, and/or fee, is being deposited with the United States Postal Service, "EXPRESS MAIL - POST OFFICE TO ADDRESSEE" service under 37 C.F.R. 1.10, on the date indicated above, and addressed to: Commissioner for Patents, Washington, D.C. 20231.

Kathleen Lynn
Signature of person mailing paper

Kathleen Lynn
Type or print name of person

1. Copy of Application

The copy of the papers of the prior application which are attached are as follows:

[X] 85 page(s) of specification

[X] 8 page(s) of claims

[X] 1 page(s) of abstract

[] _____ sheet(s) of drawing

(Also complete part 7 below if drawings are to be transferred)

[X] 2 pages of declaration and power of attorney

2. Amendments

[X] Cancel in this application original claims 2-61 of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)

[X] A preliminary amendment is enclosed. (Claims added by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered **original** claim in the prior application.)

4. Information Disclosure Statement

[X] An information disclosure statement is submitted herewith.

5. Fee Calculation (37 CFR 1.16)

CLAIMS FOR FEE CALCULATION			
Number filed	Number	Extra Rate	Basic Filing Fee = \$ 710.00
Total Claims (37 C.F.R. 1.16(c))	34-20=14	x \$ 18.00	\$ 252.00
Independent Claims (37 C.F.R. 1.16(b))	10-3=7	x \$ 80.00	\$ 560.00
Multiple Dependent Claims(s), if any (37 C.F.R. 1.16(d))		\$270.00	\$

[] Fee for extra claims is not being paid at this time.

Filing Fee Calculation

\$1522.00

6. Small Entity Status

☒ A statement that this filing is by a small entity:

☒ was filed on June 29, 1998 in the parent application Serial No. 09/080,968 and this status is still proper and its benefit under 37 CFR 1.28(a) is hereby claimed.

Filing fee calculation (50% of above) \$ 761.00

9. Relate Back -- 35 U.S.C. 120

☒ Amend the specification as set forth in the accompanying preliminary amendment.

10. Inventorship Statement

(a) With respect to the prior copending U.S. application from which this application claims benefit under 35 USC 120, the inventor(s) in this application is (are):

☒ the same

(b) The inventorship for all the claims in this application are

☒ the same

11. Assignment

☒ The prior application is assigned of record to Immunopath Profile, Inc.

☒ The prior assignment was recorded at the PTO on July 2, 1998, Reel 9461, Frames 0808 and included assignment of all continuation and divisional applications in and to the invention.

12. Fee Payment Being Made At this Time

☐ Not Enclosed

☐ No filing fee is submitted. *(This and the surcharge required by 37 CFR 1.16(e) can be paid subsequently).*

☒ Enclosed

☒ basic filing fee \$ 761.00

Total fees enclosed \$ 761.00

13. Method of Payment of Fees

☒ charge Account No. 19-1135 in the amount of \$ 761.00. A duplicate of this request is attached.



TO6020" 985T8260

14. Authorization To Charge Additional Fees

[X] The Director is hereby authorized to charge the following additional fees which may be required by this paper and during the entire pendency of the application to Account No. 19-1135.

[X] 37 CFR 1.16(a), (f) or (g) (filing fees)

[X] 37 CFR 1.16(b), (c) and (d) (presentation of extra claims)

[X] Please credit any overpayment with respect to the application to Deposit No. 19-1135.

15. Power of Attorney

The power of attorney in the prior application is to
Arthur H. Seidel, Reg. No. 15,979; Gregory J. Lavorgna, Reg. No. 30,469; Daniel A. Monaco, Reg. No. 30,480; Thomas J. Durling, Reg. No. 31,349 and John J. Marshall, Reg. No. 29,671

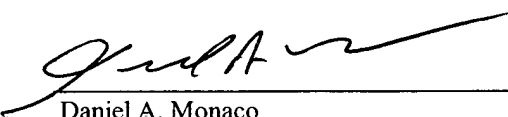
[X] The power does not appear in the original papers, but was filed on July 6, 1998.

Address all future communications to:

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Date: February 9, 2001


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